IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29811 of 2007(Y)

PETITIONER:

PARAYIL EXPORTS,
NARIANGANAM P.O., PALA, KOTTAYAM DISTRICT,
REPRESENTED BY IT'S PROPRIETOR, P.M. MATHEW.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:

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1. **KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, REPRESENTED BY ITS DISTRICT EXECUTIVE OFFICER, KOTTAYAM.**

2. **ADDITIONAL REGISTERING AUTHORITY, PALA, KOTTAYAM DISTRICT.**

3. **REGIONAL PROVIDENT FUND COMMISSIONER, REGIONAL OFFICE, KOTTAYAM.**

BY ADV. SRI.JOY THATTIL ITOOP, SC, EPF ORGANISATION
SRI.P.RAMAKRISHNAN, SC FOR KMTWF
BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) No. 29811 of 2007

Dated this the 9th October, 2007

J U D G M E N T

Standing Counsel takes notice for respondents 1 and 2. Counsel takes notice for 3rd respondent.

2. The prayer sought for in this writ petition is to direct the 1st respondent to issue Clearance Certificate in respect of the vehicles as covered in Exhibit-P1 and to declare that the petitioners are not liable to pay any contribution under the Kerala Motor Transport Workers Welfare Fund Act.

3. Petitioner is an establishment to which provisions of Employees Provident Funds and Miscellaneous Provisions Act is applicable. In respect of such establishments this Court has already held in Exhibit-P2 judgment that there is no obligation to pay the contribution in terms of the Kerala Motor Transport Workers Welfare Fund scheme. Therefore, there is no reason that the clearance certificate shall not be issued to the petitioner.

2. Accordingly, I dispose of this writ petition directing that the 1st respondent shall issue the clearance certificate in respect of the vehicles of the petitioner, as expeditiously as

possible, at any rate, within two weeks from the date of receipt of a copy of this judgment. However, the authorities will be entitled to call upon the petitioner to satisfy them that the dues under the Employees Provident Fund Act is paid fully.

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(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007